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EXAMINER

WINDER, PATRICE L

ART UNIT PAPER NUMBER

2145

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/596,864

Applicant(s)

DUTTA ET AL.

Examiner

Patrice Winder

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-22, 24-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-22 and 24-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings were received on January 6, 2005. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 9-12, 21-25, 31-32, 34 and 36-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhang et al., USPN 6,741,575 B1 (hereafter referred to as Zhang).
4. Regarding claim 1, Zhang taught a method for providing a broadcast of content to one or more receivers via a communication network (abstract), comprising:
  - a) receiving the broadcast on at least one global multicast channel (column 6, lines 12-15, column 13, lines 1-3);
  - b) associating at least one local multicast channel with the at least one global multicast channel (column 12, lines 52-67);

receiving a request from the receiver to receive the broadcast (column 13, lines 26-33);

c) connecting the receiver to the at least one local multicast channel (column 12, lines 19-29); and

d) routing the broadcast from the at least one global multicast channel to the at least one local multicast channel to provide the broadcast to the receiver (column 13, lines 1-22).

5. Regarding dependent claim 9, Zhang taught further comprising the step of:

o) at a predetermined time and using a multicast communication (column 14, lines 59-62), determining a number of receivers, which are receiving the broadcast (column 15, lines 3-8).

6. Regarding dependent claim 10, Zhang taught the receiver includes an Internet Protocol (IP) interface which enables the receiver to receive the broadcast via an IP type multicast communication (column 8, lines 55-60).

7. Regarding dependent claim 11, Zhang taught the receiver is wireless and receives the broadcast in a first subnet using a multicast communication (column 6, lines 12-21), and further comprising the step of:

p) receiving, from the receiver, a request to receiver the broadcast in a second subnet so as to move the real-time broadcast from the first subnet to the second subnet (column 9, lines 34-43); and

q) after receiving the request from the receiver, providing the broadcast to the wireless receiver in the second subnet using the multicast communication (column 10, lines 6-21, column 12, lines 19-29).

8. Regarding dependent claim 12, Zhang taught further comprising the step of:

r) stopping a transmission of the broadcast in the first subnet after receiving the request from the receiver (column 11, lines 50-53, column 12, lines 34-35).

9. Regarding claim 22, Zhang taught a method for providing and maintaining a real-time broadcast to a wireless receiver on a communications network (column 11, lines 26-32), comprising the steps of:

providing the real-time broadcast into the receiver in a first subnet using a multicast communication (column 11, lines 13-22);

receiving from the wireless receiver, a request to receive the real-time broadcast in a second subnet so as to move the real-time broadcast from the first subnet to the second subnet (column 9, lines 34-43); and

after receiving the request from the wireless receiver, providing the real-time broadcast to the wireless receiver in the second subnet using the multicast communication (column 13, lines 16-22, column 14, lines 7-12); and

stopping a transmission of the real-time broadcast in the first subnet after receiving the request from the receiver (column 11, lines 50-53, column 12, lines 34-35).

10. Regarding dependent claim 24, Zhang taught the wireless receiver (column 6, lines 29-35) includes an Internet Protocol (IP) interface which enables the receiver the real-time broadcast via an IP-type multicast communication (column 11, lines 26-32).

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11. Regarding dependent claim 25, Zhang taught the real-time broadcast is received on at least one global multicast channel (column 6, lines 12-15, column 13, lines 1-3), and further comprising the steps of:

associating at least one location multicast channel with the at least one global multicast channel (column 12, lines 52-67); and

establishing communication to the wireless receiver over the at least one local multicast channel, and wherein the real-time broadcast is provided to the wireless receiver by routing the real-time broadcast from the at least one global multicast channel to the at least one local multicast channel (column 12, lines 19-29, column 13, lines 1-22).

12. Regarding claim 31, Zhang taught a method for monitoring the number of receivers that receive a broadcast via a communication network (IGMP), comprising the steps of:

providing the broadcast to at least one of the receivers on at least one local multicast channel; (column 13, lines 1-22) and

at a predetermined time and using multicast communication (column 14, lines 59-62), determining the number of receivers which are receiving the broadcast, the number being determined by receiving information from the receivers indicative of the response signals being transmitting by the receivers (column 15, lines 3-8).

13. Regarding claim 34, Zhang taught a software arrangement configured to facilitate a broadcast of content to one or more receivers via a communication network, wherein,

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in operation, the software arrangement configures a processor to perform the steps (abstract) comprising of:

a) receiving the broadcast on at least one global multicast channel (column 6, lines 12-15, column 13, lines 1-3);

b) associating at least one local multicast channel with the at least one global multicast channel (column 12, lines 52-67);

receiving a request from the receiver to receive the broadcast (column 13, lines 26-33);

c) connecting the receiver to the at least one local multicast channel (column 12, lines 19-29); and

d) routing the broadcast from the at least one global multicast channel to the at least one local multicast channel to provide the broadcast to the receiver (column 13, lines 1-22).

14. The language of claim 32 is substantially the same as previously rejected claim 34. Therefore, claim 32 is rejected on the same rationale as previously rejected claim 34, above.

15. The language of claims 36-37 is substantially the same as previously rejected claims 22 and 31, respectively. Therefore, claims 36-37 are rejected on the same rationales as previously rejected claims 22 and 31, respectively.

16. Claims 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Byrne et al., USPN 5,990,883 (hereafter referred to as Byrne).

17. Regarding claim 27, Byrne taught a receiver (column 2, lines 33-39) comprising:

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a tuner receiving at least one of a radio broadcast and a television broadcast  
(column 5, lines 14-22);

an Internet Protocol-type communication device configured to receive a real-time  
Internet Protocol broadcast via a multicast communication (column 5, lines 23-29);

a switching device switchably coupled between the tuner and the Internet  
Protocol-type communication device (column 5, lines 33-39); and

the tuner presenting categorized broadcasts to a user so that the user can select  
the broadcast to receive.

18. Regarding dependent claim 28, Byrne taught the switching device is switchable  
between a first state and a second state, the first state enabling the tuner to receiver  
broadcast signals, the second state enabling the Internet Protocol-type communication  
device to receiver Internet Protocol type data using the multicast communication  
(column 5, lines 33-39).

### ***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 3-8, 13-16, 26 and 33 rejected under 35 U.S.C. 103(a) as being  
unpatentable over Zhang in view of Allen.

21. Regarding dependent claim 3, Zhang taught further comprising the step of:



f) inserting the broadcast into the at least one global multicast channel (column 4, lines 66-67); and

g) transmitting the broadcast at the at least one global multicast channel transmitting a broadcast to a local server (column 6, lines 12-15, column 4, lines 66-67).

Zhang does not specifically teach the source of the broadcast. However, Allen taught transmitting a broadcast from a global server to a local server (column 16, lines 16-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Allen's transmitting a broadcast from a global server to a local server would have improved system efficiency. The motivation would have been to provide a digital video file server system that can be readily integrated with minimal disruption.

22. Regarding dependent claim 4, Zhang taught the at least one global multicast channel is a plurality of global multicast channels, and the at least one local multicast channel is a plurality of local multicast channels (column 12, lines 52-63), wherein the broadcast is inserted into a first global channel of the global multicast channels, wherein the first global channel is associated with a first local channel of the local multicast channel, and wherein the receiver receives the broadcast from the first global channel on the first local channel (column 13, lines 1-13).

23. Regarding dependent claim 5, Allen taught the broadcast is inserted into the first global channel by the global server, and wherein the global multicast channels are received by the local server (column 17, lines 8-13).

24. Regarding dependent claim 6, Allen taught further comprising the steps of:

h) at the global server, further inserting a further broadcast of content into a second global channel of the global multicast channels (further broadcast = different broadcast different channels, column 16, lines 30-37).

Zhang taught further comprising the steps of:

i) receiving a request from the receiver to receive the further broadcast from the local server; j) if the second global channel is not available to the local server, obtaining access for the local server to the second global channel; k) after step (i), associating the second global channel with a second local channel of the local multicast channels (column 13, lines 26-40, 45-51); and providing the further broadcast to the receiver by connecting the receiver to the second local channel and routing the further broadcast from the second global channel to the second local channel (column 13, lines 1-12).

25. Regarding dependent claim 7, Zhang taught the at least one global multicast channel is a plurality of global multicast channels, and the at least one local multicast channel is a plurality of local multicast channels (column 12, lines 52-63), wherein the broadcast is inserted into a particular global channel, and wherein the broadcast from the global multicast channels are received by a local broadcasting device (column 13, lines 1-13). Zhang does not specifically teach a global broadcasting device. However, Allen taught a global broadcasting device (column 17, lines 8-13). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Allen's global broadcasting device in Zhang's system for multicasting data would have improved system efficiency. The motivation would have been to provide a

cost-effective digital video file server system that can be readily integrated into existing system with minimal disruption.

26. Regarding dependent claim 8, Allen taught further comprising the steps of:

m) inserting a local broadcast into a particular channel of the local multicast channels, the local broadcast being different from a prior broadcast transmitted to the particular local channel (column 16, lines 45-60); and

n) if the receiver issues a request to receiver the local broadcast, establishing a communication link for the receiver to the particular channel to receive the local broadcast (column 16, lines 30-37).

27. Regarding dependent claim 13, Zhang does not specifically teach breaks in the broadcast. However, Allen taught normal content of the broadcast has at least one break of respective predetermined duration (column 17, lines 38-46), and further comprising the steps of:

s) inserting respective predefined content data into the at least one break in the normal content of the broadcast (column 17, lines 46-51); and

t) providing the broadcast to the receiver after respective predefined content data is inserted into the at least one break of the normal content of the broadcast (column 17, lines 52-61). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Allen's breaks in Zhang's system for multicasting data would have improved system effectiveness. The motivation would have been to provide targeted programming such that distribution of video programming is matched to the needs of a specific audience.

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28. Regarding dependent claim 14, Allen taught the predefined content includes at least one of an advertisement, a station break announcement, a promotion and other pre-recorded content (column 17, lines 52-61).

29. Regarding dependent claim 15, Zhang does not specifically teach breaks in the broadcast. However, Allen taught the local broadcast has at least one break at a respective time and of a respective predetermined duration (column 17, lines 38-46), and further comprising the steps of:

- u) inserting respective predefined content into the local broadcast during at least one break in the normal content of the local broadcast (column 17, lines 46-51); and

- t) providing the local broadcast to the receiver after the respective predefined content is inserted into the at least one break of the normal content of the local broadcast (column 17, lines 52-61). For motivation for combination see claim 13, above.

30. Regarding dependent claim 16, Allen taught the predefined content includes at least one of an advertisement, a station break announcement, a promotion and other pre-recorded content (column 17, lines 52-61).

31. Regarding dependent claim 26, Zhang taught the receiver is a wireless receiver (column 6, lines 29-35). Zhang does not specifically teach breaks.

However, Allen taught normal content of the real-time broadcast has at least one break at a respective time and for a respective duration (column 32, lines 22-33), further comprising the steps of:

- inserting the respective predefined content into the real-time broadcast during the at least one break in the normal content (column 32, lines 33-39); and

providing the real-time broadcast to the receiver after the respective predefined content is inserted into the real-time broadcast during the at least one break in the normal content (column 33, lines 34-53, column 33, line 65 - column 34, line 17). For motivation for combination see claim 13, above.

32. Regarding dependent claim 33, Allen taught a start of the at least one break triggers the inserting step (column 33, lines 3-19).

33. Claims 17-18 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al., USPN 5,892,535 (hereafter referred to as Allen) in view of Hamaguchi, USPN 5,757,798 (hereafter referred to as Hamaguchi).

34. Regarding claim 17, Allen taught a method for providing a respective predefined content to one or more receivers during a real-time broadcast of normal content (abstract), comprising the steps of:

receiving the real-time broadcast of normal content from a remote device via a multicast communication (column 5, lines 34-56, column 51, lines 56-62), the real-time broadcast including information indicative of a respective time and a duration of at least one break in the broadcast of the normal content (column 32, lines 22-33);

inserting the respective predefined content received from a local server into the real-time broadcast during the at least one break in the normal content (column 32, lines 33-39); and

providing the real-time broadcast to the receiver after the respective predefined content have been inserted into the at least one break in the normal content of the real-time broadcast (column 33, lines 34-53, column 33, line 65 - column 34, line 17). Allen

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does not specifically teach stopping the transmission of the predefined content by transmitting a stop signal to the local server. However, Hamaguchi taught stopping the transmission of the predefined content by transmitting a stop signal to the local server (column 25, lines 19 – column 26, lines 37). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Hamaguchi's stopping transmission in Allen's system for broadcasting content would have improved system responsiveness to client requests. The motivation would have been to fully utilize the potential of the video on demand (VOD) aspects of Allen's system.

35. Regarding dependent claim 18, Allen taught the respective predefined content includes at least one of an advertisement, a station break announcement, a promotion and other pre-recorded content for global broadcast (column 30, lines 38-40).

36. Regarding claim 35, Allen taught software arrangement configured to facilitate a respective predefined content to one or more receivers during a real-time broadcast of normal content, wherein, in operation, the software arrangement configures a processor to performs the steps (abstract) comprising of:

receiving the real-time broadcast of normal content from a remote device via a multicast communication (column 5, lines 34-56, column 51, lines 56-62), the real-time broadcast including information indicative of a respective time and a duration of at least one break in the broadcast of the normal content (column 32, lines 22-33);

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inserting the respective predefined content received from a local server into the real-time broadcast during the at least one break in the normal content (column 32, lines 33-39);

stopping transmission of the predefined content by transmitting a stop signal to the local server; and

providing the real-time broadcast to the receiver after the respective predefined content have been inserted into the at least one break in the normal content of the real-time broadcast (column 33, lines 34-53, column 33, line 65 - column 34, line 17).

37. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Hamaguchi, as applied to claim 17, above further in view of Zhang.

38. Regarding dependent claim 19, Allen does not specifically teach mapping between a global multicast channel and a local multicast channel. However, Zhang taught the real-time broadcast is received on at least one global multicast channel (column 6, lines 12-15, column 13, lines 1-3), and further comprising the steps of:

associating at least one location multicast channel with the at least one global multicast channel (column 12, lines 52-67); and

establishing a network link between the receiver and the at least one local multicast channel, and wherein the real-time broadcast is provided to the receiver by routing the real-time broadcast from the at least one global multicast channel to the at least one local multicast channel (column 12, lines 19-29, column 13, lines 1-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Zhang's mapping a global multicast channel to a local multicast

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channel would have provided cost-effective integration by utilizing existing networks for multicasting. The motivation would have utilized the advantages of integration of Allen's hierarchal distribution system in a digital network for mobile receivers.

39. Regarding dependent claim 20, Allen does not specifically teach a wireless receiver. However, Zhang taught the receiver is wireless and receives the real-time broadcast in a first subnet using a multicast communication (column 6, lines 10-21), and further comprising the steps of:

receiving, from the receiver a request to receive the real-time broadcast in a second subnet so as to move the real-time broadcast from the first subnet to the second subnet (column 9, lines 34-43); and

after receiving, the request from the receiver, providing the real-time broadcast to the wireless receiver in the second subnet using the multicast communication (column 10, lines 6-21, column 12, lines 19-29). For motivation for combination see claim 19, above.

40. Regarding dependent claim 21, Allen does not specifically teach IP-type multicast communication. However, Zhang taught the receiver includes an Internet Protocol (IP) interface which enables the receiver to receive the real-time broadcast via an IP-type multicast communication. It would have been obvious that one of ordinary skill in the art at the time the invention was made that incorporating Zhang's IP-type multicast communication in Allen's system for hierarchal system for distributing programming would have provided cost-effective integration by utilizing existing networks for multicasting. The motivation would have utilized the advantages of



integration of Allen's hierarchal distribution system in a digital network for mobile receivers.

41. Claims 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byrne in view of Zhang.

42. Regarding dependent claim 29, Byrne does not specifically teach levels of multicasting. However, Zhang taught the Internet Protocol type communication device is connected to at least one local multicast channel for receiving the real-time broadcast from a global multicast channel (column 11, lines 25-31, column 13, lines 1-8). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Zhang's levels of multicasting in Byrne's system for utilizing a receiver would have improved system effectiveness. The motivation would have been to promote cost-effectiveness by integrating an existing network to provide sources of content.

43. Regarding dependent claim 30, Byrne does not specifically teach a wireless receiver. However, Zhang taught wherein the receiver is wireless (column 6, lines 29-35), and the Internet Protocol-type communication device receives the real-time broadcast in a first subnet using the multicast communication (column 13, lines 1-8),

wherein, prior to the wireless receiver moving from the first subnet to a second subnet, the Internet Protocol-type communication device transmits a request to receive the real-time broadcast in the second subnet (column 9, lines 34-43); and

wherein, after transmitting the request, the Internet Protocol-type communication device receives the real-time broadcast in the second subnet by utilizing the multicast

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communication (column 10, lines 6-21, column 12, lines 19-29). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Zhang's wireless receiver in Byrne's system for utilizing a receiver would have improved system effectiveness. The motivation would have been to provide for minimal disruption when a receiver is moved within a distribution network.

### ***Response to Arguments***

44. Applicant's arguments filed January 6, 2005 have been fully considered but they are not persuasive.

45. Applicant argues – “Nothing in Zhang discloses or suggest the determination of which receives receive the broadcast through a request signal transmitted from the receivers to a management server, as recited in amended claim 1 of the present application.”

a. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a request signal transmitted from the receivers to a management server –emphasis added) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

b. In applicant's own words, “[u]sers that have not registered with the multicast address mapping table send a registration request message so that

they may request service.” Registered members receive the broadcast as argued by applicant on page 17 of the remarks filed on January 6, 2005. Thus, determination of which receiver receives based on request for membership is the determination of which receiver receives based on request.

46. Applicant argues – “...Zhang does not disclose or suggest stopping the real-time broadcast receiving a *request* from the receiver, as recited in amended claim 22.”

c. Applicant admits that Zhang releases a multicast local identifier after all of the members leave a cell, thus stopping transmission of the real-time broadcast, see remarks on page 18. The only request recited by applicant’s claim is a “request to receive real-time broadcast”. Zhang’s release of the multicast local identifier (i.e. stop in transmission) only occurs after a “request to receive real-time broadcast” because a user has to make the “request” to be member of the cell prior to leaving the cell.

47. Applicant argues – “Zhang fails to disclose or suggest any technique which determines the number of receivers that receive the broadcast through a response signal from the receivers, as recited in claim 31 of the present application.”

d. Zhang taught that the services desired by subscribers are access to the collection of MBone sites available on the Internet. Like all Internet sites, MBone sites are posted on the Internet waiting for subscriber access, i.e. advertised. When a subscriber requests a membership in the multicast group of an MBone site it is in response to the advertisement of the site.

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48. Applicant argues – “[N]othing in Allen discloses or suggest the transmission of a stop signal to a local server to stop transmission of the predefined content, as recited in claim 17 of the present application.”

e. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

49. Applicant argues – “Bryne does not disclose or suggest presenting categorized broadcasts to the user, such as news and entertainment categories, as recited in amended claim 27.”

f. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., categories such as news and entertainment) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

g. Bryne categorizes the broadcast by content source, at present applicant's claim language does not distinguish from categories attributed to the broadcast source.

***Conclusion***

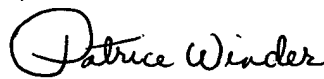
50. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

51. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrice Winder whose telephone number is 571-272-3935. The examiner can normally be reached on Monday-Friday, 10:30 am-7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571-272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Patrice Winder  
Primary Examiner  
Art Unit 2145

May 16, 2005